

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: DAYN HARDIE
DEPUTY ATTORNEY GENERAL**

DATE: AUGUST 13, 2020

**SUBJECT: IN THE MATTER OF THE FORMAL COMPLAINT OF MARK
PECCHENINO AGAINST IDAHO POWER COMPANY; CASE NO. IPC-
E-20-29.**

On July 15, 2020, Mark Pecchenino (“Complainant”) filed a formal Complaint against Idaho Power Company (“Company”) alleging the Company damaged his trees and property. The Complainant also stated “the [Company’s] policies and Section 7 of [Idaho Public Utilities Commission] No. 29. Tariff No. 101 are arbitrary, capricious and in violation of Idaho Statutes and ordinances . . . in addition to violating the Complainant’s 14th Amendment of the US Constitution and Article I—Declaration of Rights, Section’s 1,3 and 14 of the Constitution of The State of Idaho.”

The Company requested 35 days to respond to the Complaint. Rule 57.02 of the Commission’s Rules of Procedure (IDAPA 31.01.01.57.02) states “[a]nswers to complaints . . . must be filed with the Commission and served on all parties of record within twenty-one (21) days after service of the complaint . . . unless the Commission modifies the time within which answer may be made.”

STAFF RECOMMENDATION

Staff recommends the Commission issue a Summons to the Company and modify the response time by giving the Company 35 days to answer or otherwise respond to the Complaint under Rule 57 (IDAPA 31.01.01.57). Staff also recommends the Commission give the Complainant 21 days to reply to the Company’s response.

COMMISSION DECISION

Does the Commission wish to issue a Summons to the Company, give the Company 35 days to answer or otherwise respond to the Complaint, and give the Complainant 21 days to reply to the Company's response?



Dayn Hardie
Deputy Attorney General

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